

COMMISSIONERS APPROVAL

CHILCOTT *PC*

THOMPSON *AT*

ROKOSCH

DRISCOLL *AD*

GRANDSTAFF *cy*

PLETTENBERG (Clerk & Recorder)

Date.....June 13, 2007

Members Present.....Commissioner Greg Chilcott,  
Commissioner Jim Rokosch, Commissioner Kathleen Driscoll and Commissioner  
Carlotta Grandstaff.

Minutes: Glenda Wiles

New Commissioners, Kathleen Driscoll, Carlotta Grandstaff and Jim Rokosch were  
sworn into office. Numerous members of the public were present.

Commissioner Chilcott met with City of Hamilton Officials in regard to fiscal issues for  
the County.

Administrative Director Skip Rosenthal met with the new Commissioners for an  
overview of his administrative duties.

Administrative Assistant Glenda Wiles and Civil Counsel Alex Beal met with the new  
Commissioners for a discussion of office procedures.

Minutes: Beth Farwell

The Board met for a discussion and possible decision about the subdivision re-submittal  
deadline for subdivisions affected by interim zoning. Planning Director Karen Hughes,  
Planners Renee Van Hoven and Planner Shaun Morrell were present.

Karen presented the Board with a Request for Commission Action summarizing the  
process for subdivisions. Karen explained there are currently subdivision submittals that  
were deemed incomplete by reason of the interim zoning changes. Karen further  
explained she has brought this issue to the Commissioners to determine what course of  
action should be used. Karen stated the Commissioners could possibly use the March 26<sup>th</sup>

date or to allow the developer to adjust their lots lines or even have them re-apply and start the process over again.

Commissioner Grandstaff asked how many applicants are there at this time. Karen replied about 8 applications. Commissioner Rokosch asked how many of the 8 are part of the recent settlement. Karen replied 3 are part of the suit but not the settlement agreement. Commissioner Chilcott stated whether or not these applicants are part of the recent settlement should not be an issue. Civil Counsel Alex Beal concurred with Commissioner Chilcott. Commissioner Grandstaff requested clarification of these applicants for sufficiency. Commissioner Grandstaff also asked if they have met their sufficiency review other than the interim zoning issue. Karen replied they do not have that information at this time; however they will investigate this question and bring it before the Board. Discussion followed regarding clarification of the applicants prior to interim zoning.

Commissioner Rokosch asked if the time line starting date is when Planning issued the insufficiency letters. Karen replied yes. Commissioner Rokosch asked who the Board of Adjustments brought their questions and decisions to. Karen indicated Planning. Commissioner Rokosch stated it appears to him the applicants had plenty of opportunity to put forth a request for variance if they so desired.

Commissioner Chilcott read a letter from Shaen McElvary regarding a time line for re-submitted subdivision applicants to the Board. Civil Counsel Alex Beal stated his concern is if the Board uses June 12<sup>th</sup> or 13<sup>th</sup> as a cut off date, it will create basis for legal argument. Karen stated her recommendations provide for risk assessment and time for due process.

Commissioner Rokosch asked what the difference is for the variance requests in regard to the applicants. Karen replied the new subdivision statues leave it up to the County to decide. Commissioner Rokosch stated it has been public record and the applicants have had access to these records. Karen stated between November 7<sup>th</sup> and December 5<sup>th</sup> they have received notice from County Attorneys' Office to make sure the application of interim zoning would apply to subdivisions already in the works.

Commissioner Chilcott questioned what the downside would be if the Board extends the date through the 26th. Karen replied there are eight applicants that have an additional period of time to provide a new application or a request for variance. Commissioner Chilcott stated the guidelines are there. Commissioner Grandstaff asked what the applicant does in order to meet the sufficiency. Karen replied the insufficiencies vary from applicant to applicant. Alex stated the criteria items are extremely rigid.

Commissioner Driscoll asked if a potential lawsuit effects their decision. Alex replied no but it should be taken in consideration. Alex further stated the applicants have the right to take all the time they want until the cut off date. Discussion followed as to scenarios of possible decisions and legality issues.

Commissioner Driscoll asked if the County could be sued because of lack of coverage. Alex summarized the different situations and possibilities. Commissioner Grandstaff asked Karen if the eight applicants were in the process prior to the interim zoning. Karen indicated they were. Commissioner Grandstaff stated if these applicants were in process, they should have 6 months to apply for a variance. Commissioner Rokosch stated they had 6 months from the date when the insufficiency letters were given to them. Commissioner Driscoll asked if the Board could extend the date to September 26<sup>th</sup>. A brief discussion followed with Civil Counsel in this regard.

Commissioner Grandstaff made a motion to utilize the March 26<sup>th</sup> date as a starting point for the six month re-submittal deadline for subdivision applications affected by interim zoning. Commissioner Driscoll seconded the motion. Commissioner Chilcott, Commissioner Driscoll and Commissioner Grandstaff voted 'aye'. Commissioner Rokosch voted 'nay'. Motion was carried.